

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS

Neals v. ParTech, Inc., Case No. 19-cv-05660

**IF YOU USED A FINGER SCANNER ATTACHED TO A PARTECH POS SYSTEM
WHILE WORKING AT A RESTAURANT IN ILLINOIS YOU MAY BE ENTITLED TO
A PAYMENT FROM A CLASS ACTION SETTLEMENT**

This is an official court notice. You are not being sued. This is not an ad for a lawyer.

- A Settlement has been reached in a class action lawsuit between ParTech, Inc. (“Defendant” or “ParTech”) and certain restaurant workers who scanned their finger on a scanner attached to a ParTech point-of-sale system (“POS system”) in the State of Illinois. The lawsuit claims that ParTech violated an Illinois law called the Illinois Biometric Information Privacy Act (“BIPA”) when it allegedly collected individuals’ biometric data (which also may be referred to as biometric identifiers or biometric information) when they used a finger scanner attached to ParTech’s POS system without complying with the law’s requirements. ParTech has denied it did anything wrong or violated any law. The Court has not decided who is right or wrong. The Settlement has been preliminarily approved by a federal court in Chicago, Illinois.
- You are included in the Settlement if you scanned your finger on a scanner attached to a POS system issued, leased, or sold to your employer by ParTech, and if your alleged biometric data relating to that scan was shared with or stored by ParTech, between March 21, 2014 and March 3, 2022. Those who agreed to ParTech’s e-consent or in writing to the collection of this alleged biometric information before first scanning their finger are not included. The POS systems at issue—those with a finger scanner attached—are used in some restaurants. If you received a notice of the Settlement in the mail, our records indicate that you are a class member and are included in the Settlement. You may contact the Settlement Administrator here [[link to Contact Page](#)] to ask whether you are a Settlement Class member.
- If the Court approves the Settlement, members of the Settlement Class who submit valid claims will receive an equal, or *pro rata*, share of a \$790,000 settlement fund that ParTech has agreed to establish, after all notice and administration costs, incentive award, and attorneys’ fees—if approved by the Court—have been paid. Individual payments to class members who submit a valid Claim Form are estimated to be \$670 to \$1,340, but could be more or less depending on the number of valid claims submitted.
- Please read this notice carefully. Your legal rights are affected whether you act, or don’t act.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT	
SUBMIT A CLAIMFORM	This is the only way to receive a payment. You must submit a claim form online or by mail before June 2, 2022 .
DO NOTHING	You will receive no payment under the Settlement and give up your rights to sue Defendant or the other related parties about the issues in this case.
EXCLUDE YOURSELF	You will receive no payment, but you will retain any rights you currently have to sue Defendant or the other related parties about the issues in this case.
OBJECT	Write to the Court explaining why you don't like the Settlement.
ATTEND A HEARING	Ask to speak in Court about the fairness of the Settlement.

These rights and options—and the deadlines to exercise them—are explained in this notice.

The Court in charge of this case still has to decide whether to approve the Settlement. Payments will be provided only after any issues with the Settlement are resolved. Please be patient.

BASIC INFORMATION

1. What is this notice and why should I read it?

A Court authorized this notice to let you know about a proposed Settlement with the Defendant. You have legal rights and options that you may act on before the Court decides whether to approve the proposed Settlement. You may be eligible to receive a cash payment as part of the Settlement. This notice explains the lawsuit, the Settlement, and your legal rights.

Judge Franklin U. Valderrama of the United States District Court for the Northern District of Illinois is overseeing this class action. The case is called *Neals v. ParTech, Inc.*, 19-cv-05660. The person who filed the lawsuit, Kandice Neals, is the Plaintiff. The company she sued, ParTech, Inc., is the Defendant.

2. What is a class action lawsuit?

A class action is a lawsuit in which an individual called a “Class Representative” brings a single lawsuit on behalf of other people who have similar legal claims. All of these people together are a “Class” or “Class Members.” Once a Class is certified, a class action Settlement finally approved

by the Court resolves the issues for all Settlement Class Members, except for those who exclude themselves from the Settlement Class.

THE CLAIMS IN THE LAWSUIT AND THE SETTLEMENT

3. What is this lawsuit about?

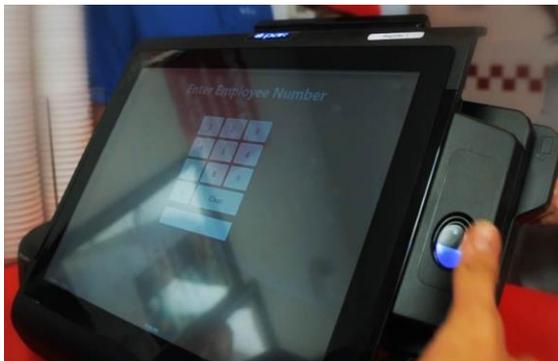
The Illinois Biometric Information Privacy Act (“BIPA”), 740 ILCS 14/1, *et seq.*, prohibits private companies from capturing, obtaining, storing, and/or using biometric data such as biometric identifiers and/or biometric information of another individual for any purpose, without first providing such individual with written notice and obtaining a written release. Biometrics include things like your fingerprint, voiceprint, or a scan of your iris. This lawsuit alleges that Defendant violated BIPA by allegedly collecting certain individuals’ biometric data when they scanned their fingers on a scanner attached to a ParTech POS system in the state of Illinois, without first providing written notice or obtaining a written release. ParTech provides POS systems—some of which include finger-scanner attachments—to restaurants for employees to use for work purposes. Defendant denies these allegations and denies that it violated BIPA.

More information about the complaint in the lawsuit and the Defendant’s position can be found in the “Court Documents” section of the settlement website at www.ParILBIPASettlement.com.

4. Who is included in the Settlement Class?

You are a member of the Settlement Class if you scanned your finger on a scanner attached to a POS system issued, leased, or sold to your employer by ParTech, and if your alleged biometric data relating to that scan was shared with or stored by ParTech, between March 21, 2014 and March 3, 2022. Those who agreed in writing to the collection of this information, including by agreeing to ParTech’s e-consent, before first scanning their finger are not included. If you scanned your finger on a scanner attached to a ParTech POS system in Illinois during that time-period, you may be a class member and may submit a [Claim Form link] for a cash payment. If you received a notice of the Settlement in the mail, our records indicate that you are a class member and are included in the Settlement. You may contact the Settlement Administrator here [link to Contact Page] to ask whether you are a member of the Settlement Class.

Pictured below are examples of ParTech POS-systems with an attached finger-scanner:



5. Who is not included in the Settlement Class?

Excluded from the Settlement Class are: (1) any Judge or Magistrate presiding over this action and members of their families, (2) Defendant, Defendant's subsidiaries, parent companies, successors, predecessors, and any entity in which Defendant or its parents have a controlling interest, (3) persons who executed Defendant's e-consent or a written release from the person's employer that releases Defendant or the licensor or service provider of the employer's timekeeping software or POS system, before any alleged biometric data relating to the person's finger scan was shared with or stored by Defendant, (4) persons who properly execute and file a timely request for exclusion from the Settlement Class, and (5) the legal representatives, successors or assigns of any such excluded persons.

THE SETTLEMENT BENEFITS

6. What does the Settlement provide?

Cash Payments. If you're eligible, you can file a claim to receive a cash payment. The amount of such payment is estimated to be approximately \$670 to \$1,340, but the exact amount is unknown at this time and could be more or less depending on the number of valid Claim Forms submitted. This is an equal share of a \$790,000 settlement fund that ParTech has agreed to create, after the payment of settlement expenses, attorneys' fees, and any incentive award for the Class Representative in the litigation approved by the Court.

Prospective Relief. ParTech has (a) posted on its website a publicly-available retention and destruction schedule related to any alleged biometric data, biometric identifiers, or biometric information in its possession; and (b) implemented an e-consent form in writing. Under the Settlement, ParTech has agreed to continue to maintain a publicly-available retention and destruction schedule and continue to obtain e-consent prior to receiving any alleged biometric data, biometric identifiers or biometric information going forward. ParTech has further agreed to destroy all alleged biometric data of Settlement Class members in its possession in accord with its publicly-available retention and destruction schedule (available [here](#)).

HOW TO GET SETTLEMENT BENEFITS

7. How do I get a payment?

If you are a Settlement Class member and you want to get settlement benefits, you must complete and submit a valid Claim Form by June 2, 2022. A paper Claim Form with pre-paid postage was attached to the postcard notice you may have received in the mail and an online Claim Form is available on this website and can be filled out and submitted online. The online claim form lets you select to receive your payment by Venmo, Zelle, Paypal, Prepaid Mastercard, ACH Direct Deposit, or check.

The Claim Form requires you to provide the following information: (i) full name, (ii) current U.S. Mail address, (iii) current contact telephone number and email address, and (iv) confirmation that you scanned your finger on a scanner attached to ParTech's POS system in the State of Illinois between March 21, 2014 and March 3, 2022.

Depending on the number of valid Claim Forms submitted, you may need to complete an IRS Form W-9 to satisfy IRS tax reporting obligations related to the payment. You may complete the [Form

W-9 link] now on the settlement website; doing so now will ensure that you receive your full payment as soon as possible.

8. When will I get my payment?

The hearing to consider the fairness of the Settlement is scheduled for **July 12, 2022** at 10:00 a.m. If the Court approves the Settlement, Class Members whose claims were approved by the Settlement Administrator and, if necessary, who have completed a W-9 Form on the settlement website will be issued a check or electronic payment (as chosen by the Class Member) within 60 days after the Settlement has been finally approved by the Court and/or after any appeals process is complete. Please be patient. Uncashed checks and electronic payments that are unable to be completed will expire and become void 90 days after they are issued or attempted to be processed and will be donated to Southern Smoke Foundation’s Chicago Restaurant Worker Relief Fund, or such other not-for-profit organization as the Court may order as *cy pres* recipient.

THE LAWYERS REPRESENTING YOU

9. Do I have a lawyer in the case?

Yes, the Court has appointed lawyers J. Eli Wade-Scott and Schuyler Ufkes of Edelson PC and David Fish of the Fish Law Firm PC as the attorneys to represent you and other Class Members. These attorneys are called “Class Counsel.” In addition, the Court appointed Plaintiff Kandice Neals to serve as the Class Representative. She is a Class Member like you. Class Counsel can be reached by calling 1-866-354-3015.

10. Should I get my own lawyer?

You don’t need to hire your own lawyer because Class Counsel is working on your behalf. You may hire your own lawyer, but if you do so, you will have to pay that lawyer.

11. How will the lawyers be paid?

Class Counsel will ask the Court for attorneys’ fees and expenses of up to 35% of the Settlement Fund, and will also request an incentive award of \$5,000 for the Class Representative from the Settlement Fund. The Court will determine the proper amount of any attorneys’ fees and expenses to award Class Counsel and the proper amount of any award to the Class Representative. The Court may award less than the amounts requested.

YOUR RIGHTS AND OPTIONS

12. What happens if I do nothing at all?

If you do nothing, you will receive no money from the Settlement Fund, but you will still be bound by all orders and judgments of the Court. Unless you exclude yourself from the Settlement, you will not be able to file or continue a lawsuit against Defendant or other Released Parties regarding any of the Released Claims. **Submitting a valid and timely Claim Form is the only way to receive a payment from this Settlement.**

To submit a Claim Form, click here [link to Claim Form]. For information on how to request exclusion from the class or file an objection, please see the Settlement Agreement [link to Settlement Agreement in the Documents section] as well as FAQs 14 and 17. You may also call 1-(833)-910-4497.

13. What happens if I ask to be excluded?

You may exclude yourself from the Settlement. If you do so, you will not receive any cash payment, but you will not release any claims you may have against the Released Parties (as that term is defined in the Settlement Agreement) and are free to pursue whatever legal rights you may have by pursuing your own lawsuit against the Released Parties at your own risk and expense.

14. How do I ask to be excluded?

You can mail or email a letter stating that you want to be excluded from the Settlement. Your letter must: (a) be in writing; (b) identify the case name *Neals v. ParTech, Inc.*, 19-cv-05660 (N.D. Ill.); (c) state the full name and current address of the person in the Settlement Class seeking exclusion; be signed by the person(s) seeking exclusion; and (d) be postmarked or received by the Settlement Administrator on or before May 26, 2022. Each request for exclusion must also contain a statement to the effect that “I hereby request to be excluded from the proposed Settlement Class in *Neals v. ParTech, Inc.*, 19-cv-05660 (N.D. Ill.)” You must mail or e-mail your exclusion request no later than May 26, 2022 to:

Neals v ParTech
c/o Kroll Settlement Administrator
P.O. Box 5324
New York, NY 10150-5324

-or-

info@parilbipasettlement.com

You can't exclude yourself over the phone. No person may request to be excluded from the Settlement Class through “mass” or “class” opt-outs.

15. If I don't exclude myself, can I sue ParTech for the same thing later?

No. Unless you exclude yourself, you give up any right to sue ParTech and any other Released Party for the claims being resolved by this Settlement.

16. If I exclude myself, can I get anything from this Settlement?

No. If you exclude yourself, you will not receive a payment.

17. How do I object to the Settlement?

If you do not exclude yourself from the Settlement Class, you can object to the Settlement if you don't like any part of it. You can give reasons why you think the Court should deny approval by filing an objection. To object, you must file a letter or brief with the Court stating that you object to the Settlement in *Neals v. ParTech, Inc.*, Case No. 19-cv-05660 (N.D. Ill.), no later than May 26, 2022. Your objection must be e-filed or delivered to the Court at the following address:

Clerk of the United States District Court for the Northern District of Illinois
Everett McKinley Dirksen United States Courthouse
219 South Dearborn Street
Chicago, Illinois 60604

Due to the COVID-19 pandemic, the Court is accepting filings from pro se litigants via email. Instructions on how to file via email can be found [here](#).

The objection must be in writing, must be signed, and must include the following information: (a) your full name and current address, (b) a statement that you believe you are a member of the Settlement Class, (c) whether the objection applies only to you, to a specific subset of the Settlement Class, or to the entire Settlement Class, (d) the specific grounds for your objection, (e) all documents or writings that you wish the Court to consider, (e) the name and contact information of any attorneys representing, advising, or in any way assisting you in connection with the preparation or submission of the objection or who may profit from the pursuit of the objection, and (f) a statement indicating whether you intend to appear at the Final Approval Hearing. If you hire an attorney in connection with making an objection, that attorney must file an appearance with the Court or seek *pro hac vice* admission to practice before the Court, and electronically file the objection by the objection deadline of May 26, 2022. If you do hire your own attorney, you will be solely responsible for payment of any fees and expenses the attorney incurs on your behalf. If you exclude yourself from the Settlement, you cannot file an objection.

In addition to filing your objection with the Court, you must send via mail, email, or delivery service, by no later than May 26, 2022, copies of your objection and any supporting documents to both Class Counsel and the Defendant's lawyers at the addresses listed below:

Class Counsel	Defense Counsel
Schuyler Ufkes sufkes@edelson.com EDELSON PC 350 North LaSalle Street, 14th Floor Chicago, Illinois 60654	John T. Ruskusky jtruskusky@nixonpeabody.com NIXON PEABODY LLP 70 West Madison, Suite 5200 Chicago, Illinois 60602

Class Counsel will file with the Court and post on the settlement website its request for attorneys' fees and incentive awards on May 12, 2022.

18. What's the difference between objecting and excluding myself from the Settlement?

Objecting simply means telling the Court that you don't like something about the Settlement. You can object only if you stay in the Settlement Class as a Class Member. Excluding yourself from the Settlement Class is telling the Court that you don't want to be a Settlement Class Member. If you exclude yourself, you have no basis to object because the case no longer affects you.

THE COURT'S FINAL APPROVAL HEARING

19. When and where will the Court decide whether to approve the Settlement?

The Court will hold the Final Approval Hearing on July 20, 2022 at 10:00 a.m. before the Franklin

U. Valderrama in Room 1219 of the Northern District Court of Illinois, Dirksen U.S. Courthouse, 219 South Dearborn Street, Chicago, Illinois, 60615. To appear at the hearing telephonically, you may call (888) 808-6929 and input the access code 5348076. The purpose of the hearing is for the Court to determine whether the Settlement is fair, reasonable, adequate, and in the best interests of the Class. At the hearing, the Court will hear any objections and arguments concerning the fairness of the proposed Settlement, including those related to the amount requested by Class Counsel for attorneys' fees and expenses and the incentive award to the Class Representative.

Note: The date and time of the Final Approval Hearing are subject to change by Court Order. Any changes will be posted at the settlement website, www.ParILBIPASettlement.com.

20. Do I have to come to the hearing?

No. Class Counsel will answer any questions the Court may have. You are welcome to come at your own expense. If you send an objection, you don't have to come to Court to talk about it. As long as your written objection was filed or mailed on time and meets the other criteria described in the Settlement, the Court will consider it. You may also pay a lawyer to attend, but you don't have to.

21. May I speak at the hearing?

Yes. If you do not exclude yourself from the Settlement Class, you may ask the Court for permission to speak at the hearing concerning any part of the proposed Settlement. If you filed an objection (*see* Question 17 above) and intend to appear at the hearing, you must state your intention to do so in your objection.

GETTING MORE INFORMATION

22. Where do I get more information?

This notice summarizes the proposed Settlement. More details, including the Settlement Agreement and other documents are available at www.ParILBIPASettlement.com or at the Clerk's Office in the Everett McKinley Dirksen United States Courthouse, 219 South Dearborn Street, Chicago, Illinois 60604, between 8:30 a.m. and 4:30 p.m., Monday through Friday, excluding Court holidays and any closures as a result of the COVID-19 pandemic. You can also contact Class Counsel at 1-866-354-3015 with any questions.

PLEASE DO NOT CONTACT THE COURT, THE JUDGE, THE DEFENDANT OR THE DEFENDANT'S LAWYERS WITH QUESTIONS ABOUT THE SETTLEMENT OR DISTRIBUTION OF CHECKS.